

IN THE UNITED STATES  
DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

RECEIVED

UNITED STATES OF AMERICA

V.

MATTHEW OKONKWO

CASE NO. 1:06-CR-00101-MHT

2007 APR 17 A 9:50

JEDRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

## MOTION FOR RETRIAL

Comes Now the Defendant Matthew Okonkwo and moves this Honorable Court to RETRY this case by showing the following

1. That on May 14 2001, Larry Ellis stated under oath before the United States Magistrate Judge saying "However at my request, IRS-CID Special Agent John Bias in an effort to determine Okonkwo's immigration status. After reviewing his files, Bias advised that he had located a subject using the same name and SSN, but with a birth date of December 15, 1957. According to Bias, on October 23 1990, an individual identified as Okonkwo had been arrested in Brussels, Belgium in possession of 775 grams of heroin. The INS records further indicated that Okonkwo had been deported from Belgium to Nigeria in December 1990 and forever barred from entering the United States. (The heroin was apparently destined for the United States.) Subsequent contact with the Drug Enforcement Administration (DEA) Office in Brussels confirmed the 1990 arrest." On February 28 2006 Larry Ellis testified before Grand Jury Proceedings with the same statement. Larry Ellis knew very well that those statements were not true.



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Larry Ellis and Louie Wilson both IRS-Special Agents fabricated lies, alter some evidence, and tampered with the computers with good intent to deceive this Court, Grand Jury, and Jury. Without these lies, there would have been no indictment.

2. That the statute of Limitation for tax year 1999 is three years and it begins from the tax year. In this case it has already expired, therefore, the charges and conviction in this criminal suppose to have not taking place at all. We were instructed by IRS to keep 1999 tax files for three years. Larry Ellis began his investigation in the year 2000. Why did he delayed prosecution until 2006, it is because he knew I am innocent.

3. That my attorney Ben R. Brunner is mentally incompetent and he counseling is ineffective. That is one of the reasons I was convicted in blindness.

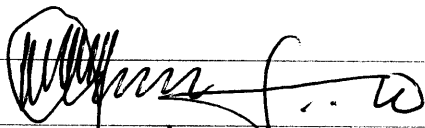
4. That I am innocent, I don't do or sell drug. I don't even know how drug looks like. John Onadeke who is on run did commit the crime and I did not know anything about it.

5. That on March 19 2007, this court appointed attorney Russel Duraski to assist me, however as of today's date he has not contacted me. On April 1 2007, I wrote him about it in a friendly manner, but he did respond.



6. Defendant respectfully pray this Honorable Court to grant this motion for Retrial on the ground that (a) Statute of Limitation has long expired before charges were filed (b) Larry Ellis and Louie Wilson both IRS Special Agents and investigators lie under oates before this court, Grand Jury, and jury with intent to deceive and to take advantage for their selfish gain. (c) The attorney of record Ben E. Brunner who represented me in this case is either incompetent and in effective counselling or is <sup>in</sup> cohute with the prosecution.

RESPECTFULLY SUBMITTED this the 13<sup>th</sup> day of April 2007

  
Matthew Okonkwo